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EXAMINER

PARTHASARATHY, PRAMILA

ART UNIT

PAPER NUMBER

2136

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/739,941

Applicant(s)

COFTA ET AL.

Examiner

Pramila Parthasarathy

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/04/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to request for reconsideration filed on October 04, 2004. Original application contained Claims 1 – 10. Claims 1 – 10 were amended. NO claims were cancelled and no new claims were added. Therefore, presently pending claims are 1 – 10.

Response to Arguments

2. Applicant's arguments filed on October 04, 2004, have been fully considered but they are not persuasive for the following reasons:

Regarding amended independent claims 1 and 7, applicant argued that the cited prior art (CPA) [McManis U.S. Patent Number 6,070,239] does not teach, suggest or disclose, "multiple program modules having the same name and the same parameters".

Applicant has not claimed, "multiple program modules having the same name and the same parameters" in either Claim 1 or Claim 7.

Furthermore, Applicant discloses implementation for dynamic binding where multiple program modules having the same name and same parameters are linked at the stage of compiling program (Page 1 paragraph [0004 – 0005]).

Applicant agrees that McManis discloses a method for verifying the authenticity of program modules, which comprises digital signature. Applicant argues that the verification is not performed before the program module is loaded into the device. Examiner directs the applicant to McManis Column 9 line 60 – Column 11 line 49, wherein the calling program module verifies the digital signature, before the program module is loaded and to McManis Column 2 line 54 – Column 3 line 34, while the program is in execution.

Regarding amended dependent claims 6 and 10, applicant argued that the cited prior arts (CPA) [McManis U.S. Patent Number 6,070,239 and Puhl et al. U.S. Patent Number 6,223,291] do not teach, suggest or disclose, "multiple program modules having the same name and the same parameters".

See arguments for Claims 1 and 7.

Applicant agrees that Puhl discloses a wireless system delivering software and digital certificates to devices. Furthermore, in response to applicant's arguments, Examiner recognizes that obviousness can only be established by combining or modifying the teachings of prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available in one of the ordinary skill in the art.

Examiner directs the applicant to McManis Column 3 line 57 – Column 4 line 8, wherein McManis discloses the client computers (terminals) can be any type of computer with network communications interface that enables the client to communicate

with the server. It would be obvious to combine Puhl with McManis to provide wireless communication that comply with WAP as suggested by McManis and disclosed by Puhl, to provide verification of digital signatures of program modules to provide only authorized program calls for the restricted program modules as disclosed by McManis.

Applicant clearly has failed to explicitly identify specific claim limitations, which would define a patentable distinction over prior arts. Therefore, the examiner respectfully asserts that CPA does teach or suggest the subject matter broadly recited in the amended independent claims 1 and 7. Amended dependent claims 2 – 6 and 8 – 10 are also rejected at least by virtue of their dependency on independent claims and by other reason set forth in this office action. Accordingly, the rejection for the pending Claims 1 – 10 is respectfully maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1- 5 and 7 – 9 are rejected under 35 U.S.C. 102(b) as being anticipated by McManis (Patent Number 5,757,914).

Regarding Claim 1, McManis teaches and describes a method for binding a program module in a terminal , in which one or several programs are running, and in which method subroutines are stored in said program modules, the program modules are provided with first tags, wherein to start binding, the program makes a call to a subroutine, and the call is supplemented with the first tags to select the program module for binding, in which the called subroutine is stored, wherein the tags are supplemented with second tags, that the call is also supplemented with said second call data, and that in connection with the binding, said first tags stored in the program modules are compared with the first tags transmitted in the call, and the second tags are compared with the second call data transmitted in the call, and the program module to be bound is selected to be the program module which matches with the first tags and the second call data transmitted in the call (Fig. 1 – 3B and Column 2 line 63 – Column 6 line 33).

Regarding Claim 7, McManis teaches and describes a terminal comprising means for binding a program module, which program modules contain stored subroutines and first tags, and which terminal also comprises means for running programs, means for standing binding by performing in the program a call to a subroutine, the call being supplemented with first call data to select that program module for binding in which the called subroutine is stored, wherein the program modules contain stored second tags; that the terminal also comprises means for adding second call data to the call, means for comparing said first tags stored in the program modules with the first call data transmitted in the call, means for comparing the second

tags with the second call data transmitted in the call, and means for selecting a program module to be bound on the basis of said comparison (Fig. 1 – 3B and Column 2 line 63 – Column 6 line 33).

Claim 2 is rejected as applied above in rejecting claim 1. Furthermore, McManis teaches and describes a method for binding a program module in a terminal, in which one or several programs are running, and in which method subroutines are stored in said program modules, program modules are provided with first tags (Fig. 1 – 3B and Column 2 line 63 – Column 6 line 33), wherein the second tags to be formed in the program modules contain a digital signature (Fig. 1, 3A, 3B; and Column 3 lines 8 – 52).

Claim 4 is rejected as applied above in rejecting claim 1. Furthermore, McManis teaches and describes a method for binding a program module in a terminal, in which one or several programs are running, and in which method subroutines are stored in said program modules, program modules are provided with first tags (Fig. 1 – 3B and Column 2 line 63 – Column 6 line 33), wherein the second tags to be formed in the program modules are stored in an encrypted form (Fig. 1, 3A, 3B and Column 3 line 39 – column 4 line 39).

Claim 8 is rejected as applied above in rejecting claim 7. Furthermore, McManis teaches and describes a method for binding a program module in a terminal, in which

one or several programs are running, and in which method subroutines are stored in said program modules, program modules are provided with first tags (Fig. 1 – 3B and Column 2 line 63 – Column 6 line 33), wherein the second tags formed in the program modules contain a digital signature (Fig. 1, 3A, 3B; and Column 3 lines 8 – 52).

Claim 3 is rejected as applied above in rejecting claim 2. Furthermore, McManis teaches and describes a method for binding a program module in a terminal, in which one or several programs are running, and in which method subroutines are stored in said program modules, program modules are provided with first tags (Fig. 1 – 3B and Column 2 line 63 – Column 6 line 33), wherein the second call data are supplemented with a public key, on the basis of which the digital signature of the second call data formed in the program module is verified (Fig. 1, 3A and Column 3 line 39 – Column 6 line 10).

Claim 5 is rejected as applied above in rejecting claim 4. Furthermore, McManis teaches and describes a method for binding a program module in a terminal, in which one or several programs are running, and in which method subroutines are stored in said program modules, program modules are provided with first tags (Fig. 1 – 3B and Column 2 line 63 – Column 6 line 33), wherein the second call data are supplemented with a public key, on the basis of which the second tags formed in the program modules are encrypted (Fig. 1, 3A, 3B and Column 3 line 39 – Column 6 line 10).

Claim 9 is rejected as applied above in rejecting claim 8. Furthermore, McManis teaches and describes a method for binding a program module in a terminal, in which one or several programs are running, and in which method subroutines are stored in said program modules, program modules are provided with first tags (Fig. 1 – 3B and Column 2 line 63 – Column 6 line 33), wherein the second call data are supplemented with a public key, on the basis of which the digital signature of the second call data formed in the program module is verified (Fig. 1, 3A and Column 3 line 39 – Column 6 line 10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over McManis (Patent Number 5,757,914) in view of Puhl et al. (Patent Number 6,223,291).

Claim 6 is rejected as applied above in rejecting claim 4. Furthermore, McManis teaches and describes a method for binding a program module in a terminal , in which

one or several programs are running, and in which method subroutines are stored in said program modules, the program modules are provided with first tags (Fig. 1 – 3B and Column 2 line 63 – Column 6 line 33), where program modules are stored in a server (Fig. 1 – 3B and Column lines.). McManis does not disclose that the program modules are stored in a server communicating with a digital network, wherein the terminal used is a mobile terminal, and that the binding of the program modules is performed at least partly by messages complying with the WAP protocol (Fig. 1 – 3B). However, Puhl discloses a server coupled with wireless gateway delivering content items (software products, digital certificates) to the wireless devices using Wireless Application Protocol, WAP (Fig. 1, 4, 5; Column 1 line 35 – Column 6 line 16). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made loading a program module in a terminal for binding as taught by McManis using wireless application protocol, WAP as taught by Puhl to provide wireless communication for mobile clients. The motivation would be to provide only authorized program calls for restricted program modules by verifying program module credentials in a wireless system using WAP.

Claim 10 is rejected as applied above in rejecting claim 7. Furthermore, McManis teaches and describes a terminal comprising means for binding a program module, which program modules contain stored subroutines and first tags (Fig. 1 – 3B and Column 2 line 63 – Column 6 line 33), comprising means for binding program modules stored in a server (Fig. 1 – 3B). McManis does not disclose that communicating with

the Internet network, wherein the terminal is a mobile terminal, and that it comprises means for performing binding of the program modules at least partly by messages complying with the WAP protocol. However, Puhl discloses a server coupled with wireless gateway delivering content items (software products, digital certificates) to the wireless devices using Wireless Application Protocol, WAP(Fig. 1, 4, 5; Column 1 line 35 – Column 6 line 16). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made loading a program module in a terminal for binding as taught by McManis using wireless application protocol, WAP as taught by Puhl to provide wireless communication for mobile clients. The motivation would be to provide only authorized program calls for restricted program modules by verifying program module credentials in a wireless system using WAP.

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-232-3795.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900 and the general central fax number is 703 – 872 – 9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy
December 23, 2004.


EMMANUELL L. MOISE
PRIMARY EXAMINER